

E-filing

FILED

JUL 21 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. FRANKOVICH (State Bar No. 074414)
JENNIFER L. STENEGER (State Bar No. 202985)
THOMAS E. FRANKOVICH,
A Professional Law Corporation
2806 Van Ness Avenue
San Francisco, CA 94109
Telephone: 415/674-8600
Facsimile: 415/674-9900

Attorneys for Plaintiffs MARSHALL LOSKOT
and DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARSHALL LOSKOT, an individual; and)
DISABILITY RIGHTS ENFORCEMENT,)
EDUCATION, SERVICES:HELPING)
YOU HELP OTHERS, a California public)
benefit corporation,)

Plaintiffs,)

v.)

WASHINGTON SQUARE BAR &)
GRILL; GLADYS ANN CALLAN; and)
COBALT LLC., a California limited)
liability company dba WASHINGTON)
SQUARE BAR & GRILL,)

Defendants.)

CASE NO. C04-4656 MJJ

STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER THEREON

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

///

STIPULATION OF DISMISSAL AND ~~PROPOSED~~ ORDER THEREON

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action be and hereby is dismissed
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6 Dated: July 18, 2005

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

7
8 By: /s/

Jennifer L. Steneberg
Attorney for Plaintiffs MARSHALL LOSKOT and
9 DISABILITY RIGHTS ENFORCEMENT,
10 EDUCATION SERVICES: HELPING YOU
HELP OTHERS

11 Dated: July 18, 2005

BUCHALTER, NEMER, FIELDS & YOUNGER


12
13 By: /s/

Richard C. Darwin
Attorneys for Defendants WASHINGTON
14 SQUARE BAR & GRILL; GLADYS ANN
15 CALLAN; and COBALT, LLC.

16 **ORDER**

17 IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to
18 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
19 the purpose of enforcing the parties' Settlement Agreement and General Release should such
20 enforcement be necessary.

21
22 Dated: 7/21, 2005

23
24 
25 Hon. Martin J. Jenkins
26 UNITED STATES DISTRICT JUDGE
27
28